

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EKLECCO NEWCO LLC and EKLECCO L.L.C.,

Plaintiffs,

v.

TOWN OF CLARKSTOWN, TOWN BOARD OF THE
TOWN OF CLARKSTOWN, THE TOWN OF
CLARKSTOWN PLANNING BOARD, and GEORGE
HOEHMANN, as Supervisor of the Town of Clarkstown,

Defendants.

NOTICE OF APPEAL

Civil Action No.:
16-CV-06492(NSR)

Plaintiffs Eklecco Newco LLC and Eklecco L.L.C. ("Eklecco") hereby appeal to the United States Court of Appeals for the Second Circuit from: each and every part of the Judgment entered by the Court on May 22, 2019 (Dkt. 76) and the Opinion and Order entered by the Court on May 21, 2019 (Dkt. 75), which together dismissed Plaintiffs' Second Amended Complaint pursuant to Rules 12(b)(6) and 12(b)(1); and each and every part of the Opinion and Order entered by the Court on June 18, 2018 (Dkt. 55), dismissing Plaintiffs' First Amended Complaint, in part, pursuant to Rules 12(b)(6) and 12(b)(1).

Dated: Buffalo, New York
June 18, 2019

PHILLIPS LYTTLE LLP

By /s/ Craig A. Leslie
Craig A. Leslie, Esq.
Daniel Maguire, Esq.
Attorneys for Plaintiffs
Eklecco NewCo LLC and Eklecco L.L.C.
One Canalside
125 Main Street
Buffalo, New York 14203
Telephone No.: (716) 847-8400
cleslie@phillipslytle.com

And

Anthony S. Fiotto, Esq.
Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
Telephone No.: (617) 570-1324
afiotto@goodwinlaw.com

TO: John Flannery, Esq.
Attorneys for Defendants
Wilson Elser Moskowitz Edelman & Dicker, LLP
1133 Westchester Avenue
White Plains, New York 10604
Telephone No.: (914) 872-7111
john.flannery@wilsonelser.com